

(4470.) DUNEDIN DISTRICT LOCAL BODIES' LABOURERS.—AWARD.

In the Court of Arbitration of New Zealand, Otago and Southland Industrial District.—In the matter of the Industrial Conciliation and Arbitration Act, 1908, and its amendments; and in the matter of an industrial dispute between the Otago General Labourers, Builders' Labourers, Quarrymen, and Coal-yard Employees' Industrial Union of Workers (hereinafter called "the union") and the undermentioned persons, firms, and companies (hereinafter called "the employers") :—

Dunedin City Corporation, Town Hall, Dunedin.

Dunedin Drainage and Sewerage Board, Dunedin.

Green Island Borough Council, Green Island.

Mosgiel Borough Council, Mosgiel.

Otago Harbour Board, Dunedin.

Port Chalmers Borough Council, Port Chalmers.

St. Kilda Borough Council, Dunedin.

West Harbour Borough Council, Dunedin.

THE Court of Arbitration of New Zealand (hereinafter called "the Court"), having taken into consideration the matter of the above-mentioned dispute, and having heard the union by its representatives duly appointed, and having also heard such of the employers as were represented either in person or by their representatives duly appointed, doth hereby order and award :—

That, as between the union and the members thereof and the employers and each and every of them, the terms, conditions, and

provisions set out in the schedule hereto and of this award shall be binding upon the union and upon every member thereof and upon the employers and upon each and every of them, and that the said terms, conditions, and provisions shall be deemed to be and they are hereby incorporated in and declared to form part of this award; and, further, that the union and every member thereof and the employers and each and every of them shall respectively do, observe, and perform every matter and thing by this award and by the said terms, conditions, and provisions respectively required to be done, observed, and performed, and shall not do anything in contravention of this award or of the said terms, conditions, and provisions, but shall in all respects abide by and perform the same. And the Court doth hereby further award, order, and declare that any breach of the said terms, conditions, and provisions set out in the schedule hereto shall constitute a breach of this award, and that the sum of £100 shall be the maximum penalty payable by any party or person in respect thereof. And the Court doth further order that this award shall take effect as from the 1st day of July, 1916, and shall continue in force until the 30th day of June, 1918, and thereafter as provided by subsection (1) (d) of section 90 of the Industrial Conciliation and Arbitration Act, 1908.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the Court hath hereto set his hand, this 18th day of October, 1916.

T. W. STRINGER, Judge.

SCHEDULE.

Hours of Work.

1. (a.) A week's work shall not exceed forty-seven hours. The working-hours shall not exceed eight and a half hours on each of five days of the week, and shall not exceed four and a half hours on Saturday.

(b.) Work shall commence not earlier than 7.30 a.m. and cease at 5 p.m., and one hour shall be allowed for dinner on each day except Saturday, when work shall cease at noon. Notwithstanding this provision an employer may work shifts at ordinary rates at other than the hours specified herein, provided that the employer and the union may agree to vary the hours for commencing and ceasing work, and may also agree to a reduction of the time allowed for dinner.

(c.) In tunnel-work the hours shall not exceed eight hours per day, with half an hour for crib-time. A tunnel must be 1 chain or more in length between shafts or must be timbered before it can be treated as a tunnel for the purposes of this clause.

(d.) Six hours shall constitute a day's work in tunnel-work where workers are working in wet places or foul air, and shall be paid for as if the workers had worked eight hours. A "wet

place" shall mean a place where the workers are standing in water 3 in. or over in depth or water is dripping on them; but if the employer shall provide the workers with overalls or gum boots, or both, the place shall not be deemed a wet place.

(e.) All shifts shall cease work not later than 8 p.m. on Saturday.

(f.) Where it is necessary to prepare material for work before the ordinary hours of commencing work the employer may employ workers to do such necessary work at the ordinary rate of pay for not more than half an hour before the ordinary time for commencing work.

Rates of Wages.

2. The following shall be the minimum wages to be paid to the several classes of workers hereinafter specified, that is to say,—

(a.) Labourers employed in tunnels or in trenches of a depth of 6 ft. or over, 1s. 3d. per hour.

(b.) Labourers employed in concrete-work, pick-and-shovel work, sewer-work, kerbing and channelling work, laying and cleaning drains, asphalt and tar work, and all other work of the same kind, 1s. 2d. per hour.

(c.) Provided that during the currency of the present war with Germany, and for three months after the date of the formal declaration of peace, a special war bonus of 10 per cent. on the foregoing rates be paid: Provided further that a like bonus be paid to all permanent hands as hereinafter defined who under the existing conditions are paid a weekly wage not exceeding £2 14s. for a week of forty-seven hours.

(d.) Notwithstanding the foregoing clauses the said war bonus may at any time during the currency of the award be continued either wholly or partially, or may be increased or terminated as the Court, on the application of any party to the award or of its own motion, may determine.

Payment of Wages.

3. Wages shall be paid weekly or fortnightly as may be agreed. If any worker be required to go to his employer's office to receive his wages he shall do so in his employer's time. If a worker is dismissed he shall be paid his wages within a reasonable time after his dismissal.

Overtime and Holidays.

4. (a.) All time worked beyond the hours hereinbefore prescribed shall be paid for at the rate of time and a quarter for the first two hours and time and a half afterwards, but all work done on Saturday afternoon shall be paid for at the rate of time and a half.

(b.) Time and a half shall be paid for all work done on New Year's Day, Easter Monday, Labour Day, Boxing Day, or the birthday of the reigning Sovereign.

(c.) Double time shall be paid for all work done on Sunday, Christmas Day, or Good Friday.

(d.) If any of these holidays shall be generally observed on any other day the provisions of this award shall apply to such other day.

Accommodation.

5. Each employer shall provide, where reasonably necessary, accommodation to the satisfaction of the Inspector of Factories to enable labourers to change their clothes and have their meals, and he shall also provide proper sanitary accommodation for them.

Suburban Work.

6. (a.) "Suburban work" means work, not coming within the definition of "country work," which has to be done at any place more than a mile and a half by the nearest road used by foot-passengers from the chief post-office in the city or town or borough in which the employer's place of business is situated.

(b.) Each worker shall be at the place where the work is to be done at the time appointed for the commencement of work, but if such work is suburban work the employer shall pay his workers at the rate of three miles an hour for time occupied by them in travelling by the nearest road used by foot-passengers to and from such work in excess of a mile and a half, or shall pay their tramway or other fares going to and returning from such work once each day.

(c.) Any worker who resides within one mile and a half by a road used by foot-passengers of the place where the work is to be done shall not be entitled to any allowance under clause (b) hereof.

Country Work.

7. (a.) "Country work" means work done by a labourer which makes it necessary for him to sleep away from home.

(b.) Any labourer employed upon country work shall be conveyed by his employer to and from such work free of charge, or his travelling-expenses going to and returning from such work shall be paid by his employer, but once only during the continuance of the work if the work is continuous and the worker is not in the meantime recalled by his employer.

(c.) Time occupied in travelling shall be paid for at the ordinary rates, but no labourer shall be paid more than an ordinary day's wage for any day occupied by him in travelling, although the hours occupied may exceed eight, unless he is on the same day occupied in working for his employer: Provided that any labourer called upon to travel more than four hours on a Saturday shall be paid for eight hours.

(d.) Labourers employed upon country work shall be paid an additional sum of 1s. 9d. per day for six days in the week, but

the employer may in lieu thereof provide them at his own expense with suitable lodging.

(e.) Notwithstanding anything herein contained any employer may agree with any worker that in respect of any specified country work the hours of work shall be other than those hereinbefore prescribed without payment of overtime, but so that not less than the rate of wages herein prescribed for country work be paid.

Termination of Employment.

8. One hour's notice shall be given of the intended termination of a worker's employment.

Under-rate Workers.

9. (a.) Any worker who considers himself incapable of earning the minimum wage fixed by this award may be paid such lower wage as may from time to time be fixed, on the application of the worker after due notice to the union, by the local Inspector of Awards or such other person as the Court may from time to time appoint for that purpose; and such Inspector or other person in so fixing such wage shall have regard to the worker's capability, his past earnings, and such other circumstances as such Inspector or other person shall think fit to consider after hearing such evidence and argument as the union and such worker shall offer.

(b.) Such permit shall be for such period, not exceeding six months, as such Inspector or other person shall determine, and after the expiration of such period shall continue in force until fourteen days' notice shall have been given to such worker by the secretary of the union requiring him to have his wage again fixed in manner prescribed by this clause: Provided that in the case of any person whose wage is so fixed by reason of old age or permanent disability it may be fixed for such longer period as such Inspector or other person shall think fit.

(c.) Notwithstanding the foregoing it shall be competent for a worker to agree in writing with the president or secretary of the union upon such wage without having the same so fixed.

(d.) It shall be the duty of the union to give notice to the Inspector of Factories of every agreement made with a worker pursuant hereto.

(e.) It shall be the duty of an employer, before employing a worker at such lower wage, to examine the permit or agreement by which such wage is fixed.

Preference.

10. (a.) If any employer shall hereafter engage any worker coming within the scope of this award who shall not be a member of the union, and who shall not become a member thereof within seven days after his engagement and remain such member, the employer shall dismiss such worker from his service if requested

to do so by the union, provided there is then a member of the union equally qualified to perform the particular work required to be done, and ready and willing to undertake the same.

(b.) The provisions of the foregoing clause shall operate only if and so long as the rules of the union shall permit any worker coming within the scope of this award of good character and sober habits to become a member of the union upon payment of an entrance fee not exceeding 5s., upon a written application, without ballot or other election, and to continue a member upon payment of subsequent contributions not exceeding 6d. per week.

Permanent Hands.

11. (a.) The provisions of this award, except clause 10 hereof, shall not apply to any permanent hand employed by any local body who is paid not less than £2 14s. per week for a week of forty-seven hours.

(b.) A "permanent hand" is a worker who is employed for six or more consecutive days, and who is paid for holidays and for any time lost through any cause other than his own default: Provided that when engaging any worker as a permanent hand the employer shall so advise him in writing.

Scope of Award.

12. The operation of this award is limited to the area lying within a radius of twelve miles from the Chief Post-office in the City of Dunedin, but this award shall not apply to any Road Board in the Otago Peninsula

Term of Award.

13. This award shall come into force as from the 1st day of July, 1916, and shall continue in force, subject to clause 2 hereof, until the 30th day of June, 1918.

In witness whereof the seal of the Court of Arbitration hath hereto been put and affixed, and the Judge of the said Court hath hereunto set his hand, this 18th day of October, 1916.

T. W. STRINGER, Judge.

MEMORANDUM.

This award embodies the recommendations of the Conciliation Council, which the parties agreed to accept. It was also agreed that the award should be made retrospective. The Court has struck out from the preference clause a provision that employers should in dismissing workers dismiss first those workers who were not financial members of the union. The Court has repeatedly ruled that it has no jurisdiction to insert such provisions in an award.

T. W. STRINGER, Judge.